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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/975,516 | 10/10/2001 | Markku Lahteenmaki | 460-010615-US(PAR) | 9768 |
| 2512 | 7590 | 11/03/2004 | EXAMINER | |
| PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824 | | | BHATTACHARYA, SAM | |
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2687

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/975,516

Applicant(s)

LAHTEENMAKI ET AL.

Examiner

Sam Bhattacharya

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1, 5-9, 11, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Green (WO 98/10571).

As to claim 1, Figure 1 in Green shows a communication device (2) comprising at least a housing (2) which comprises at least a first part (5) and a second part (3), and means for providing user interface functions (UI1), comprising at least a first keypad (3) and a display (5), characterized in that the user interface (UI1) is arranged to be replaceable by placing a replacement cover (1) in a detachable manner in connection with the housing (2), substantially parallel to the second part (3), onto or in place of the second part (3), and that said replacement cover (1) comprises at least means (6, 8) for providing key functions (“referring to both figures, a keypad adaptor 1 is mounted on a mobile telephone 2. The mobile telephone 2 has a keypad 3 comprising keys 4, and a display screen 5. Adaptor 1 has a keypad plate 6 which is mounted on the telephone 2 by a U-shaped mounting bracket 7 shown by dashed lines in Fig. 2 in order that the other features of the adaptor 1 may be clearly seen. Adaptor 1 includes six buttons 8 mounted on plate 6 above selected ones of the keys 4 of the telephone 2, the keys 4 being chosen so as to allow a user to call telephone numbers stored in a memory of the telephone 2” (page 7, lines 16-28)).

As to claim 5, Figures 1 and 2 in Green show the communication device (2) according to claim 1, characterized in that the second part (3) comprises a first keypad (3), that the means (6)

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of the replacement cover (1) for providing key functions comprise a second keypad (6), that the replacement cover (1) is arranged to be fixed onto the second part (3), and that the keys (8) of said second keypad (6) are placed in such a way that when the replacement cover (1) is fixed onto the second part (3), at least some of the keys (8) of the second keypad (6) are at the location of at least one key (4) of the first keypad (3), wherein the user interface (UI1) primarily consists of the display (5) and the second keypad (6) (see page 7, lines 16-28).

As to claim 6, the Green reference discloses the communication device (2) according to claim 1, characterized in that the communication device (2) comprises means (9, 10) for activating the keys (8) of the second keypad (6) to function non-simultaneously with the keys (4) of the first keypad (3) (see page 7, line 29 to page 8, line 7).

As to claim 7, the Green reference discloses the communication device according to claim 1, characterized in that it is a wireless communication device ("the present invention relates to a telephone accessory and equipment, and in particular to a telephone accessory and equipment for assisting physically impaired persons to use conventional and/or mobile telephones" (page 1, lines 3-7)).

As to claim 8, the Green reference discloses the communication device (2) according to claim 1, characterized in that the means (9, 10) for providing key functions of the replacement cover (1) comprise a one touchable area (12) for a key function which touchable area is larger than the touchable area of the keys of the keypad (3) onto which the replacement cover (1) is placed ("the contact surfaces 12 of each button are larger and their centers more spaced apart than those of the keys 4 of the telephone, and thus enable a user to more easily make a telephone call without for example pressing a wrong key or two keys together" (page 8, lines 17-21)).

As to claim 9, the Green reference discloses a method for changing the user interface (UI1) in a communication device (2) comprising at least a housing (2) which comprises at least a first part (5) and a second part (3), and means for providing user interface functions (UI1), comprising at least a first keypad (3) and a display (5), characterized in that in the method, the user interface (UI1) is changed by placing a replacement cover (1) in a detachable manner in connection with the housing (2), substantially parallel to the second part (3), onto or in place of the second part (3), and that said replacement cover (1) is equipped with at least means (6, 8) for providing key functions (“referring to both figures, a keypad adaptor 1 is mounted on a mobile telephone 2. The mobile telephone 2 has a keypad 3 comprising keys 4, and a display screen 5. Adaptor 1 has a keypad plate 6 which is mounted on the telephone 2 by a U-shaped mounting bracket 7 shown by dashed lines in Fig. 2 in order that the other features of the adaptor 1 may be clearly seen. Adaptor 1 includes six buttons 8 mounted on plate 6 above selected ones of the keys 4 of the telephone 2, the keys 4 being chosen so as to allow a user to call telephone numbers stored in a memory of the telephone 2” (page 7, lines 16-28)).

As to claim 11, the Green reference discloses the method according to claim 11, characterized in that the keypad (6) is placed in the replacement cover (1) which is formed of a cover part (9) and a functional cover (6), and which replacement cover (1) is equipped with key elements (10) for detecting the stroke of keys (8) of said keypad (6), and information about the keystrokes is transferred from the replacement cover (1) to the communication device (2) (see page 7, line 20 to page 8, line 7, and Figures 1 and 2).

As to claim 12, the Green reference discloses the method according to claim 9, characterized in that the replacement cover (1) is provided with a second keypad (6) in such a

way that when the replacement cover (1) is fixed onto the second part (3) of the housing (2), at least some of the keys (8) of the second keypad (6) are located by at least one key (4) of the first keypad (3) (see page 7, lines 16-28, and Figures 1 and 2).

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 2-4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 98/10571 to Green in view of Fuhrmann et al. (WO 97/32423).

As to claim 2, the Green reference discloses the communication device (2) according to claim 1, characterized in that and that at least part of the first keypad (3) is provided in said replacement cover (1) (see page 7, lines 16-28). However, it does not disclose the second part is arranged to be detached before fixing the replacement cover onto the first part. The Fuhrmann reference teaches the second part is arranged to be detached before fixing the replacement cover onto the first part ("the invention relates to an electronic device having a housing (1) which has a housing wall (5) ("first part") with openings (7) for control elements (8) and/or display elements (9, 10). Attachment means (11) for detachably connecting to the housing (1) an external wall element (14) ("second part") which at least partially covers the housing wall (5) being present on the housing (1), the external wall element (14) having openings (7') which are aligned with the openings (7) in the housing wall (5). As a result, by using different external wall elements (14) the external appearance of the electronic device can be easily modified" (Abstract).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the communication device of Green characterized in that the second part is arranged to be detached before fixing the replacement cover onto the first part, as taught by Fuhrmann, in order to easily modify the external appearance of the communication device.

As to claim 3, the Green reference discloses the communication device according to claim 1. However, it does not disclose the replacement cover further comprises a display. The Fuhrmann reference teaches the replacement cover further comprises a display ("openings which are present in the external wall element 14 for the display device 9 and the loudspeaker device/microphone device 10 can be covered, for example by means of a transparent element 15 or a grille 16" (page 6, lines 7-9). See also Figures 1 and 3).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the communication device of Green characterized in that the replacement cover further comprises a display, as taught by Fuhrmann, in order to easily modify the external appearance of the communication device.

As to claim 4, Green-Fuhrman discloses the communication device according to claim 2. The Green reference further discloses the replacement cover (1) comprises at least a cover part (9) and a functional cover (6), that the means (6) for providing the key functions comprise key elements (8) for detecting a pressing of the keys of the keypad (6), and that the replacement cover (1) further comprises means (10) for transferring information about the keystrokes to the communication device (2) (see page 7, line 20 to page 8, line 7).

As to claim 10, the Green reference discloses the method according to claim 9. However, it does not disclose the second part is detached before fixing the replacement cover onto the first part. The Fuhrmann reference teaches the second part is detached before fixing the replacement cover onto the first part ("the invention relates to an electronic device having a housing (1) which has a housing wall (5) ("first part") with openings (7) for control elements (8) and/or display elements (9, 10). Attachment means (11) for detachably connecting to the housing (1) an external wall element (14) ("second part") which at least partially covers the housing wall (5) being present on the housing (1), the external wall element (14) having openings (7') which are aligned with the openings (7) in the housing wall (5). As a result, by using different external wall elements (14) the external appearance of the electronic device can be easily modified" (Abstract).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Green characterized in that the second part is detached before fixing the replacement cover onto the first part, as taught by Fuhrmann, in order to easily modify the external appearance of the communication device.

Response to Arguments

5. Applicant's arguments filed on July 2, 2004 have been fully considered but they are not persuasive.

Applicant argues that Green fails to disclose or suggest that the user interface is arranged to be replaceable by placing a replacement cover in a detachable manner in connection with the housing as recited by claim 1. Applicant also argues that Green fails to disclose or suggest that

the user interface is changed by placing a replacement cover in a detachable manner in connection with the housing as recited by claim 9.

Examiner respectfully disagrees. Green clearly shows a user interface (the components of the keypad adaptor 1 that interface with the mobile phone) that is arranged to be replaceable by placing a replacement cover (the body of the keypad adaptor) in a detachable manner in connection with the housing of the mobile phone. See Figs. 1 and 2. Likewise, the user interface in Green is changed by placing the replacement cover in the detachable manner in connection with the housing of the mobile phone. Therefore, all of the limitations of claims 1 and 9 are met by Green.

Applicant further states that Green has no references to a display and that the position of the display remains the same all the time. Examiner respectfully disagrees with Applicant's assertion that Green has no references to a display, since Green clearly shows a display 5 in Fig. 1. As for Applicant's assertion that the position of the display in Green remains the same all the time, Examiner agrees. However, it is noted that the features upon which applicant relies (i.e., changing the position of the display when the user interface is replaced) are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument that there is no suggestion to combine the Green and Fuhrmann references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references

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themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, both references deal in the art of mobile phone housings and replaceable upper portions of those housings. One skilled in the art would have looked to modify the invention of Green by using the teachings of Fuhrmann to include a display cutout section on the replaceable cover, thereby improving the appearance of the cover.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Bhattacharya whose telephone number is (703) 605-1171. The examiner can normally be reached on weekdays 8:30 a.m. to 6:00 p.m., first Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid can be reached on (703) 305-3016. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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10/29/09
LESTER G. KINCAID
PRIMARY EXAMINER